

PAUL J. FISHMAN
United States Attorney
DAVID E. DAUENHEIMER
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, New Jersey 07102
Tel.: 973-645-2925
Fax: 973-297-2010
email: david.dauenheimer2@usdoj.gov

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

THE UNITED STATES OF AMERICA *ex*
rel. STEPHEN ELLIOTT AND JAMES
LUNDSTROM, *et al.*,

Plaintiffs,

v.

BRISTOL-MYERS SQUIBB COMPANY,
APOTHECON, INC., PAR
PHARMACEUTICAL COMPANIES,
INC., AND PAR PHARMACEUTICAL,
INC.

Defendants.

HONORABLE STANLEY R. CHESLER

Civil Action No. 09-⁴⁶⁵³~~3624~~ (SRC)

[FILED IN CAMERA AND UNDER
SEAL]

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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THE GOVERNMENT'S NOTICE OF ELECTION TO PARTIALLY INTERVENE FOR
SETTLEMENT PURPOSES AND *EX PARTE* APPLICATION
FOR PARTIAL LIFTING OF THE SEAL

Notice of Election

1. The United States of America hereby partially intervenes in this civil action against defendants Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc.
2. The United States declines as to any allegations set forth in the complaint as against Defendants Bristol-Myers Squibb Company and Apothecon, Inc.
3. The parties have reached a settlement of the claims in the action.

4. Pursuant to the terms and conditions of the settlement agreement, upon payment of the settlement amount, a stipulation of dismissal will be filed.

Application for Order Reforming the Caption and Partially Lifting Seal

5. The United States applies *ex parte* for a partial lifting of the seal in order to release publicly the relator's complaint, any amended complaints, this notice, and the Court's order partially lifting the seal as requested herein.

6. The United States requests that all other pleadings filed prior to the date of this Notice remain under seal, because, in discussing the content and extent of the United States' investigation, such papers were provided by law under seal to the Court for the sole purpose of evaluating whether the seal and time for making an election decision should be extended.

7. The United States further requests that the seal in this action be lifted prospectively so that all pleadings filed subsequent to entry of the attached proposed Order are not filed under seal.

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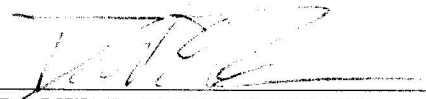
A proposed order accompanies this motion.

Respectfully submitted,

STUART F. DELERY
Principal Deputy Assistant Attorney General

PAUL J. FISHMAN
United States Attorney

By:



DAVID E. DAUENHEIMER
Assistant U.S. Attorney

MICHAEL D. GRANSTON
JAMIE ANN YAVELBERG
EVA U. GUNASEKERA
Attorneys, Department of Justice
P.O. Box 261, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-3148
Facsimile: (202) 514-0280
Email: eva.gunasekera@usdoj.gov

Date: 3/4/13